



## Chairman's Message: Now More than Ever...

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At the beginning of the year, it is natural to look forward to the promise ahead. So many of us are fortunate enough to be able to look ahead and see promise, but all too many in our nation do not have that luxury. This is why I am especially proud of the pro bono work of Dykema lawyers. We can be especially proud of not only the amount of pro bono work Dykema lawyers did last year, but also because of the difference that work has made in the lives of the persons helped.

By sharing our knowledge and experience to assist those with unmet legal needs, we are doing the kind of work that upholds our highest values and our resolve to serve our communities by providing equal access to justice.

As you'll see in this newsletter, our work is being nationally recognized and is positively impacting our communities in many ways. In October 2010, we received national recognition for our efforts to systemically increase pro bono representation for immigrant children and crime victims. You'll also read about situations where the firm's work has been so important to a family on the verge of losing its home, or to an individual whose privacy was invaded, or to a debt-ridden community museum facing potential closing. Working on matters like these, Dykema lawyers are making a difference. I hope you enjoy reading about our efforts. If you want to be a part of the firm's pro bono work, please contact Dykema's Pro Bono Counsel, Heidi Naasko, at [hnaasko@dykema.com](mailto:hnaasko@dykema.com).

Rex E. Schlaybaugh, Jr.  
Chairman and Chief Executive Officer

## Dykema Receives National Pro Bono Award

The Michigan Immigrant Rights Center nominated Dykema to receive the National Legal Aid & Defender Association's Beacon of Justice Award for our work in the area of immigration. The nomination itself was an important honor, but even more so was receiving the award on October 6, 2010, in a ceremony in Washington, D.C. **Howard ("Buck") E. O'Leary** (Business and Commercial Litigation, Washington, D.C.) accepted the award on behalf of Dykema at a ceremony that also honored retiring U.S. Supreme Court Associate Justice John Paul Stevens.

In its nomination, the Michigan Immigrant Rights Center recognized Dykema as "A leader in pro bono in Michigan, and a strong pro bono partner...a beacon of light for immigrants searching for justice in our state."

Dykema has handled cases for clients seeking asylum, special immigrant juvenile status, U-Visas, T-Visas and withholding of removal claims. Dykema's current immigration partners include Freedom House, the National Immigrant Justice Center, Michigan Immigrant Rights Center, Immigration Equality, Center for the Abolition of Slavery and Trafficking, as well as other nationally recognized agencies.



*Buck O'Leary represented Dykema in accepting the National Legal Aid & Defender Association's Beacon of Justice Award.*

The Beacon of Justice Award recognized Dykema's nearly 2,900 hours of pro bono work devoted solely to immigration matters. In the past 18 months, 24 different Dykema attorneys handled more than 50 immigration cases.

## Dykema Recognizes Exceptional Pro Bono Lawyers

Recognizing the outstanding pro bono work of Dykema lawyers is one of the ways the firm shows its commitment. In 2010, the firm recognized remarkable pro bono work by presenting the Margaret A. Costello Pro Bono Award to two lawyers.

Associates **Gregory Wright** (Corporate Finance, Chicago) and **Laura Weingartner** (Real Estate, Detroit) were named co-recipients.



*Greg Wright was one of two lawyers honored with Dykema's Margaret A. Costello Pro Bono Award.*

Greg's commitment to pro bono began while he was still a law student at Notre Dame University. Through his work, clients from Nigeria, Togo, Kenya, Honduras and Zimbabwe have sought and secured asylum, freeing them from violence and oppression inflicted because of their membership in particular social groups or because of their political views. The award recognized Greg's exceptional advocacy, his

assistance to lawyers new to asylum matters, his leadership and expertise both within and outside the firm and, above all, his unwavering commitment. Greg's work has also been recognized by the National Immigrant Justice Center, which invited him to serve on its Junior Leadership Council.

Laura's pro bono work has included a wide range of matters, from representing the Nature Conservancy to create land trusts in Michigan, to assisting a battered woman through her divorce.

Recently she represented a student political activist from Cameroon who sought asylum following torture and wrongful imprisonment for speaking out against the country's president. Against significant odds, Laura worked with dogged determination to build a case that included gathering witnesses from halfway around the world and preparing numerous affidavits and two expert opinions to support the student's version of events. The client was granted asylum just before Christmas 2009, and Freedom House, the referral agency, celebrated the victory with a party.

Through their outstanding work to secure justice for others, Laura and Greg personify Dykema's commitment to pro bono and to a better community.

## Death Penalty Case Nears Decision

In death penalty cases access to justice is quite literally a matter of life or death. This past November **Patrick Hickey** (Labor and Employment, Detroit) argued a death penalty case before the Georgia Supreme Court – a case upon which the firm has worked for more than 12 years. The issue on appeal was not about the defendant's innocence or guilt, but about whether the defendant, a mentally impaired man, should receive either a new trial or be resentenced because of trial irregularities and ineffective assistance of counsel.

In this case, the Dykema defense team uncovered significant evidence that was never presented to the jury. In addition to the significant child abuse that the defendant endured, the jury heard no information about the impact of the defendant's multiple and significant brain injuries, one of which involved his head being impaled by a rake. A decision on this case is expected in 2011.

## Seniors Get Assistance with Legal Needs

Chicago Managing Member **Pat Stanton** (Financial Services Litigation) is championing two pro bono initiatives in the Chicago office. The first project, the Senior Center Initiative, provides legal assistance to low-income senior citizens.

In cooperation with our nonprofit partner, the Center for Disability and Elder Law, a team of Chicago lawyers traveled to a local senior center to help low-income seniors prepare living wills and health care powers of attorney. Dykema attorneys interviewed clients and prepared legal documents for the clients to execute. The clients left with documents in hand.

This work is important because low-income seniors are often isolated from their families and have significant health care issues. This type of work gives these clients a better understanding of their legal rights and the opportunity to exercise some level of control over their health care issues, in the event they become incapacitated due to a serious or disabling illness. It also provides health care providers with more guidance to ensure that a patient's health care decisions are followed.

The Chicago Dykema office will run another clinic in spring 2011.

## Go Bono with CARPLS

In partnership with our nonprofit partner, the Coordinated Advice and Referral Program for Legal Services (CARPLS), Dykema launched a second new pro bono initiative in Chicago in 2010. Twelve lawyers in Dykema's Chicago office – **Chuck LeMoine** (General Litigation), **Pat Stanton**, (Financial Services Litigation), **Dave Cellitti** (Corporate Finance), **Walter Dietch** (Corporate Finance), **Kyle Davis** (Intellectual Property), **Michelle Schindler** (Business and Commercial Litigation), **Sheri Zaban** (Real Estate), **Heather Aeschleman** (Real Estate), **Peggy Rhiew** (Financial Services Litigation), **Liz Darke** (Real Estate), **Michael Raines** (General Litigation) and **Sharon Salinas** (General Litigation) – will participate in a new pro bono hotline that provides landlord/tenant advice and forms to low-income individuals and families. The legal issues can be extremely difficult to understand for clients who may be facing eviction or a lack of utilities.

Dykema is one of the first law firms in Chicago to sign up for this new program, and Dykema lawyers expect to serve several hundred CARPLS clients through the hotline in 2011. If the pilot program with Dykema proves successful, CARPLS expects to expand the program to other large law firms throughout Chicago, given the large demand for services in this area.

## DuPage Children's Museum Gets New Life



The DuPage Children's Museum began in 1988 as a traveling exhibit that visited park districts, schools and scout troops. In 2001, after attendance at exhibits had reached more than 100,000, the museum secured \$13 million in bonds to purchase and build a permanent three-story facility in Naperville, Illinois. Seven years later, the museum, which struggled for some time to repay the bonds, faced a \$9.4 million debt and the possibility of foreclosure.

Dykema's **George N. Gilkerson, Jr.** (Real Estate, Lisle), became involved when he received a request for help from James M. Sheehan, museum board president, who is also the executive vice president, general counsel and chief administrative officer for Tellabs in Naperville. Sheehan and Gilkerson worked together to identify and secure new public and private funding. With the help of three elected state officials, they were able to secure a state grant of \$1.94 million. They also

secured grants from the City of Naperville and from DuPage County, \$735,000 from private funds, and a bridge loan from the Northern Trust Corporation. In a coup de grâce, Gilkerson and Sheehan were also able to secure Chase Bank's agreement to write down \$3.35 million of the museum's remaining debt.

The City of Naperville eventually purchased the museum building and property and agreed to lease the building to the museum for the next 70 years.

Gilkerson called this pro bono project as complex as any major business transaction. With his help and that of other Dykema lawyers, thousands of children and their families will again be able to enjoy the benefits of a community-based children's museum that now has a secure future.

## Expungement Project Offers Fresh Start

For many years, Michigan residents who have had a single criminal conviction and have successfully completed all the terms of their sentence could expunge their record of conviction. However, most have not needed to expunge their records until the tragedies of 9/11 when criminal background checks became more commonplace. Since then, Detroiters who are otherwise able-bodied and qualified have been repeatedly denied employment due to convictions that are usually old and nonviolent. That's when Legal Aid and Defender approached Dykema to leverage this long-standing expungement procedure to assist those who need it most.

**Dante Stella** (Business and Commercial Litigation, Detroit) has participated in community-based clinics and assisted clients in applying for expungement. **Todd Schebor** (Environmental, Detroit) also assisted in the program by accompanying clients to court to formally request the expungement.

Although expungement is designed to be a pro se process, assistance from a lawyer is critical. The process is complex for a layperson. Additionally, the stakes are high since the applicant has only one opportunity to seek an expungement.

Dykema is proud to have assisted these clients in successfully obtaining expungements, thereby providing them with the ability to reenter the local job force and to provide support for their families.

## Privacy of HIV-Positive Man Protected

An HIV-positive man was arrested on assault charges, which were subsequently dropped. The man went to jail, and during the booking process the police officer asked the man if there was anything the police needed to know before he went to jail. The man disclosed his HIV-positive status. He provided this information so that jail officials would be able to administer his time-sensitive medications and alert authorities to take reasonable precautions where needed.

Even though the charges were dropped, the police report with the HIV disclosure remained. The man had not disclosed his

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# The Dykema Difference

# DyKEMA

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As part of our service to you, we regularly compile short reports on new and interesting developments in our pro bono program. Please recognize that these reports do not constitute legal advice and that we do not attempt to cover all such developments. Rules of certain state supreme courts may consider this advertising and require us to advise you of such designation. Your comments on this newsletter, or any Dykema publication, are always welcome. © 2011 Dykema Gossett PLLC.

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HIV status to his family, friends or employer for fear of being ostracized or even fired. For this reason, he wanted to keep the information confidential, and he asked that his HIV status be redacted from the police report. Privacy was especially important in this situation because the victim of the alleged assault was a family member who had a legal right to the report. After receiving a request for assistance from Lambda Legal, **Brandon Blazo** (Business and Commercial Litigation, Detroit) took the case and succeeded in having the report redacted.

Without the help of a Dykema lawyer, it is unlikely that the client's private health care information would have been protected from disclosure.

## Dykema Client Gets a Holiday Gift

In December 2010, **Howard "Buck" O'Leary, Jr.** (Business and Commercial Litigation, Washington, D.C.) delivered a special present to his client, "E.G.": a work permit. With a work permit, E.G. will now have the ability to seek a "green card" that, if granted, would allow her two daughters from El Salvador to join her in the United States. This is the first good news she'd received in some time. Just months earlier, her partner held her for hours at knifepoint, threatening to kill her and her family because she "offended" him in a grocery store. When he passed out, the knife dropped and she ran to the safety of her landlady, who called the police. Despite a lack of legal status, she bravely reported these crimes and assisted law enforcement in prosecuting them.

The Dykema team also provided E.G. extensive legal advice to help her handle her new status and understand the complex immigration rules, and to assist her in taking appropriate steps toward full legal status.

On hearing the news, E.G. "dissolved into tears," Buck reported, and said, "I am crying because I am happy."

## Dykema Creates Fellows Program

In June, Dykema announced the creation of the Dykema Fellow, who will serve in residence at the Michigan Immigrant Rights Center (MIRC) for two years and will expand the capacity of the private bar to represent unaccompanied and neglected or abused immigrant children, as well as immigrants who have helped law enforcement in the prosecution of certain crimes against undocumented immigrants.

The Dykema Fellow will further help MIRC close a chronic justice gap, and is one of two Equal Justice Works AmeriCorps Legal Fellows placed at Legal Services of South Central Michigan. The Equal Justice Works Fellowship Program, funded partially by the federal government and partially by foundations and other donors, creates partnerships among sponsors and nonprofit organizations to provide underrepresented populations effective access to the justice system.